

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the matter of)
)
Telephone Number Portability)
_____)

CC Docket No. **95-116**

**REPLY COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
ON THE NEW JERSEY BOARD OF PUBLIC UTILITIES
PETITION FOR DELEGATED AUTHORITY TO IMPLEMENT
WIRELESS NUMBER PORTABILITY**

Pursuant to the Federal Communications Commission's ("FCC") procedure schedule established in the above docket, the Michigan Public Service Commission ("MPSC") hereby submits its reply comments.

I. INTRODUCTION

On February 3, 2004, the FCC requested comments regarding the New Jersey Board of Public Utilities' ("New Jersey BPU") Petition for Delegated Authority to require wireless number portability in counties located outside the largest 100 Metropolitan Statistical Areas ("MSA") nationwide.¹ In accordance with the *Fourth NRO Order*, delegated authority may be granted to states to require carriers to provide local number portability ("LNP") to customers on a case-by-case basis.²

¹ NJBPU Petition for Delegated Authority to Implement Wireless Local Number Portability, CC Docket 95-116, January 16, 2004.

² *Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, Adopted May 28, 2003, Released June 18, 2003,

The New Jersey BPU is requesting delegated authority to require LNP in four counties: Mercer, Atlantic, Cape May, and Cumberland. Three of the counties are located adjacent to counties within the top 100 MSAs and all of the counties have multiple wireless carriers offering service. In addition, carriers in each of these four counties are participating in Thousands Block Number Pooling (“number pooling”) and, therefore, have the technical architecture to provide LNP to customers.

II. DISCUSSION

As the MPSC maintains, state public utility commissions are on the forefront of telephone number conservation and the competitive issues related to LNP. A letter, from the FCC, to the MPSC stated, “we recognize that state commissions are uniquely positioned to understand local conditions and ensure that the interests of consumers are addressed.”³ The unique telecommunication landscape of each state, including number conservation and carrier competition, requires state commission authority and intervention to provide citizens with the best solutions.

New Jersey is a populous state with 17 of its 21 counties located in the top 100 MSAs. The New Jersey BPU has petitioned to require carriers to provide LNP to the remainder of the citizens, providing access to competitive providers while maintaining the same telephone number. The MPSC agrees with the California Public Utilities Commission that the New Jersey BPU has provided a “narrow set of circumstances for its request” including information that number pooling is utilized in these counties and,

³ Letter to the MPSC from Yog R. Varma, Deputy Bureau Chief, Common Carrier Bureau, FCC, July 28, 2000.

therefore, the underlying architecture for LNP is already available.⁴ In addition, multiple wireless carriers currently provide service to customers in these areas indicating that there is customer demand for LNP availability.

III. CONCLUSION

State utility commissions continue to play a vital role to ensure that customers are able to change telecommunication providers while keeping their telephone numbers. The New Jersey BPU's petition included information highlighting number pooling activities and wireless provider status in the 4 counties under consideration. Provisions to ensure open competition in these markets is a top priority to the New Jersey BPU.

The MPSC, therefore, requests that the FCC grant the petition of the New Jersey BPU to require LNP in Mercer, Atlantic, Cape May and Cumberland counties. In addition, the MPSC requests the FCC to include Mercer, Atlantic, Cape May and

⁴ Comments of the California Public Utilities Commission and the People of the State of California, *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, February 24, 2004.

Cumberland counties in any order or ruling addressing numbering resource optimization, number portability and/or other telephone number issues affecting the top 100 MSAs.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE
COMMISSION**

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